

Applicant: Schwartz, et al.
Serial No.: 09/974,220

PATENT
Atty Docket: 21562-305

REMARKS

This Amendment is filed in response to the Official Action dated September 8, 2004. In this Amendment, claims 8 and 18 are cancelled and claims 1, 3, 5-7, 9, 11, 14-17 and 19 are amended. Claims 2, 4, 10, 12 and 13 are unchanged. Following entry of this amendment, claims 1-7, 9-17 and 19 shall be pending.

I. REJECTIONS UNDER 35 U.S.C. SECTION 112

Claims 1-13 are rejected on grounds of indefiniteness with the Examiner specifically questioning the use of the term "bracket" in claim 1 and the functional and structural relationship of the recited terms in claim 7. In this regard, claims 1 and 7 have been amended as set forth above to the degree that it is submitted that any indefiniteness that may have existed in claims 1 or 7 has now been removed. Hence, withdrawal of the rejection is hereby requested.

II. REJECTIONS UNDER 35 U.S.C. SECTION 102

Claims 1-19 are variously rejected under 35 U.S.C. Section 102(b) or 102(e) as being anticipated by one or more of the following different references: U.S. Patent No. 2,949,172 to Simons; U.S. Patent No. 3,045,782 to Hansen; U.S. Patent No. 2,966,240 to Aude et al.; U.S. Patent No. 3,688,877 to Day; U.S. Patent No. 6,675,940 to Maurice; U.S. Patent No. 4,938,321 to Kelley et al.; U.S. Patent No. 5,915,507 to Maurice et al.; U.S. Patent No. 4,798,269 to Lindner et al.; U.S. Patent No. 5,796,192 to Riepl and U.S. Patent No. 3,605,958 to McCarthy. Applicant's response to these rejections is set forth below.

The presently claimed invention as now recited in independent claims 1, 7 and 14 relates to a motor and brake arrangement that enables the user of a vehicle having a slide-out to easily disengage the brake from the motor when the motor is inoperable, i.e., during, for example, a power failure. Such easy disengagement allows the user to manually move the slide-out in or out of the

Applicant: Schwartz, et al.
Serial No.: 09/974,220

PATENT
Atty Docket: 21582-305

vehicle and not be inconvenienced by the wait otherwise necessary for the motor to be returned to operability.

As presently claimed, the invention achieves this with a system including a configuration where the brake is easily disengageable and reengageable from and with the motor. This arrangement reduces the need for tools and reduces the chances of losing or damaging parts that may otherwise need to be removed from the motor.

For example, claim 1 presently recites a brake attachment assembly comprised of a bracket and a brake housing where the bracket is configured to mount to the motor and the brake housing (in which the brake is mounted) is configured for movable engagement with the bracket. A biasing member connects the brake housing to the bracket and this allows the selective engagement of the brake housing with the bracket such that the brake housing is movable between a first position where the brake and the motor are engaged and a second position where the brake and the motor are disengaged. In this fashion, the user can disengage the brake from the motor without the disadvantages of the prior art.

By way of further example, claim 7 presently recites a self-contained brake assembly fixed in a bracket where the bracket is elastically mounted on a motor. The bracket is selectively movable between a first position on the motor such that an external coupling member of the contained motor is located within a receptacle of the self-contained brake assembly and a second position on the motor such that the external coupling member of the motor is spaced away from said receptacle of the self-contained brake assembly. In this fashion, again, the user can disengage the brake from the motor without the disadvantages of the prior art.

Finally, claim 14 presently recites providing a motor having a self-contained brake mounted thereon and then selectively moving the self-contained brake between a first biased position where the self-contained brake is located adjacent to and engaged with the motor and a second biased position where the

Applicant: Schwartz, et al.
Serial No.: 09/974,220

PATENT
Atty Docket: 21562-305

self-contained brake is spaced away and disengaged from the motor. Further, the self-contained brake is retained on the motor when the self-contained brake is in said first position and said second position. In this fashion, too, the user can disengage the brake from the motor without the disadvantages of the prior art.

In contrast to the presently claimed invention, each and every reference relied upon in rejecting the claims includes structure that prevents realization of the advantages of the presently claimed invention. For example, relative to claim 1, none of the asserted references disclose a biasing member connecting a brake housing to a bracket mounted on the motor that allows selective engagement of the brake housing with the bracket such that said brake housing is movable between a first position where said brake and said motor are engaged and a second position where said brake and said motor are disengaged. As a result, the asserted prior art does not have the capability to keep the brake mounted on the motor through a bracket even when the brake is disengaged from the motor.

Relative to claim 7, none of the asserted references disclose, for example, a bracket having a self contained brake mounted therein that is elastically mounted on said motor such that said bracket is selectively movable between a first position on said motor wherein an external coupling member of a motor is located within a receptacle of the self-contained brake assembly and a second position on the motor wherein the external coupling member of the motor is spaced away from the receptacle of said self-contained brake assembly. As a result, the asserted prior art does not have the capability of removing a self-contained brake from the motor without completely removing the self-contained brake from the motor.

Finally, relative to claim 14, none of the asserted references disclose selectively moving a self-contained brake between a first biased position where the self-contained brake is located adjacent to and engaged with the motor and a second biased position where the self-contained brake is spaced away and disengaged from the motor and retaining the self-contained brake on the motor

Applicant: Schwartz, et al.
Serial No.: 09/974,220

PATENT
Atty Docket: 21562-305

when the self-contained brake is in the first position and the second position. As a result, the asserted prior art does not have the capability of engaging and disengaging a self-contained brake from the motor without completely removing the self-contained brake from the motor.

As a result, it is submitted that none of the asserted references can continue to be properly asserted as anticipating claims 1, 7 and 14 of the present invention. Nor, it is submitted, can these references properly be asserted as rendering obvious claims 1, 7 and 14. Accordingly, it is submitted that claims 1, 7 and 14 are now allowable over the cited prior art.

With respect to claims 2-6, 9-13 and 15-17 and 19, these claims variously depend from independent claims 1, 7 and 14 and thus are submitted as allowable for at least the reasons set forth above. However, these claims further define and describe the presently claimed invention and thus are patentable over and above their precursor independent claims.

Applicant: Schwartz, et al.
Serial No.: 09/974,220

PATENT
Atty Docket: 21562-305

CONCLUSION

In view of the foregoing, it is submitted that all pending claims 1-13 and 31-36 are now in condition for allowance. And an indication of such allowance is hereby requested.

If for any reason direct communication with Applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: Dec. 6, 2004



James W. Inskeep

Registration No. 33,910

INSKEEP INTELLECTUAL PROPERTY GROUP, INC.
1225 W. 190th Street, Suite 205
Gardena, CA 90248
Telephone: (310) 217-6220
Facsimile: (310) 327-0282

Customer No. 37,374